

Preliminary Master Plan Ordinance Comments and Suggestions

December 9, 2005

Recommendations to the Clark County Master Plan Ordinance are provided in track changes format. MAKERS' rationale statements, comments and/or questions are provided in CAPS throughout.

40.520.070 Master Planned Development

A. Purpose.

The master planning standards in this section are intended to:

1. Promote coordinated and cohesive site planning and design of large, primarily light industrial, ~~and~~ office campus, and mixed-use sites that will occur over an extended period of time;
2. Provide a means of streamlining and consolidating development review processes. For large sites, intensive and integrated master planning review may occur earlier within the development process, lessening the scope of piecemeal review later as individual developments occur;
3. Through consolidation of review processes, provide a level of predictability to project applicants, the county and the community at large regarding the nature and type of development which will occur in the future; and
4. Through flexibility of standards and consolidation of reviews, promote and facilitate quality development of larger sites in an integrated, cohesive manner providing for functional, design and other linkages between, and consistency among, a mix of individual uses and structures.

B. Applicability.

Any development equal to or greater than fifty (50) contiguous acres in size shall be eligible to apply for approval of a master plan by the reviewing authority. A minimum of seventy-five percent (75%) of the area proposed for master planning shall be held under common ownership at the time of application. A minimum of eighty-five percent (85%) of the area proposed for master planning shall be zoned light industrial (ML) or office campus (OC), or a change in zoning requested to this effect, at the time of application. The master plan shall consist of both a concept plan which shows the location, distribution and phasing of land uses and related facilities and a development plan as each phase of the plan is developed. CHANGES WILL BE NEEDED TO ACCOMMODATE PHASED DEVELOPMENT IN MX ZONE. MINIMUM ACREAGE WILL NEED TO BE REDUCED.

C. Definitions.

For the purposes of this section, the following definitions apply:

Conceptual plan	“Conceptual plan” means a site plan drawn at a sufficient level of detail to convey the concept for development of the site but without sufficient detail to allow construction.
Development concept	“Development concept” means the overall vision for the site, including but not limited to the intended purpose, uses and their approximate locations, and appearance of the development.
Grading plan	“Grading plan” means a topographic site plan showing existing and proposed grades for building pads and open space on a site. In a phased plan, building pad elevations for the preliminary phase shall be indicated, while finished grades for the remaining phase(s) may be indicated without showing proposed building pads.
Master plan	“Master plan” means a comprehensive, long-range site and/or building plan for a development project. The project may be located on a single parcel or on abutting parcels which are owned by one (1) or more parties and may be implemented in phases.
Phases	“Phases” means a development plan undertaken in a logical time and geographical sequence.
Preliminary plan	“Preliminary plan” means a detailed map showing site layout, landscape and/or building elevation plans and submitted to the review authority for preliminary review.
Substantial progress	“Substantial progress” means the point at which permits for site preparation, site plan approval and/or building construction for a preliminary phase of a master plan development have been submitted to the review authority for review.

D. Master Plan Review Process.

1. Review Process. Master plans shall be reviewed according to a Type III process as described in Section [40.510.030](#), unless noted otherwise herein.
2. Pre-Application. An application for approval of a master plan shall first submit an application for a pre-application conference. See Section [40.510.030](#)(A) regarding pre-application review. An application for pre-application review of a master plan shall comply with the submittal requirements in Section [40.510.050](#).
3. Other Reviews. The master planning review is intended to provide a means of consolidating various reviews into a single master plan application and review, such that development subsequent to an approved master plan can be processed through site plan review. The master plan ordinance is not intended to integrate proposed large-scale zone or comprehensive plan changes to commercial designations, or to facilitate development to that effect.
4. Master plan review and subsequent site plan review shall serve to integrate the following review processes:
 - a. Conditional use review;

- b. Zone changes, consistent with the procedural ordinance, necessary to meet the applicability requirement of this section that eighty-five percent (85%) of the master plan area be zoned light industrial (ML) or office campus (OC);
 - c. Responsible official review;
 - d. Variance.
- 5. Short plats and subdivisions shall be processed separately under Chapter [40.540](#). Land division applications may be reviewed concurrently with master plan proposals.
- 6. Proposed comprehensive plan map changes increasing areas of commercial designations shall be processed separately under Section [40.560.010](#).
- 7. Master Plan Formal Application. In consultation with responsible official, the applicant will complete a final master plan application. The submittal for final approval by the review authority must include information and demonstrate compliance with Section [40.520.070](#)(E) plus the following information:
 - a. Final site plans for any phases proposed for development immediately following approval of the master plan and conceptual for any remaining phases;
 - b. The final master plan document, with elements and development standards in accordance with Section [40.520.070](#)(H);
 - c. Proof of provision for maintenance of common open areas and for implementation of design guidelines and/or landscape plans, either by the owner, the owner's association or public agency; and
 - d. Requisite Fees. The fees shall be those set forth in Chapter [6.110A](#).
- 8. Upon approval by the reviewing authority and timely implementation as described in Section [40.520.070](#)(G), the master plan shall remain in force unless amended through appropriate procedures outlined in Section [40.520.070](#)(J). All development in the master plan area shall thereafter comply with the master plan requirements and standards included or referenced therein. Provisions of this subsection may be implemented through this section, incorporating Sections 501 – 506 of Chapter 347, Laws of 1995.

E. Findings.

In approving the master plan, site plans subsequent to master plan approval, or amendments to the master plan, the review authority shall make a finding that:

- 1. All of the following general goals are met:
 - a. Achievement of the goals and objectives of the community framework plan and the comprehensive plan;
 - b. Enhancement of economic vitality, particularly opportunities for high wage employment; **TO ADD PROVISIONS INVOLVING MIXED-USE**
 - c. Efficient provisions and use of public facilities and services; and
 - d. Measures to reduce the number of automobile trips generated and to encourage alternative modes of transportation; and
- 2. All of the following conditions exist:

- a. The master plan contains adequate provisions for ensuring that the original visions and goals as stated in the master plan will be implemented;
 - b. The site of the proposed master plan is adequate in size and shape to accommodate the proposed uses and all yards, spaces, walls and fences, parking, loading, landscaping, and other features as required by this title, and to ensure that said use will have no significant detrimental impacts on neighboring land uses and the surrounding area;
 - c. The site for the proposed uses relates to streets and highways that are or will be adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed uses;
 - d. Adequate public utilities are or will be available to serve the proposed project;
 - e. The establishment, maintenance, and/or conduct of the use for which the development plan review is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to property or improvements in said neighborhood; nor shall the use be inconsistent with the character of the neighborhood or contrary to its orderly development;
 - f. The proposed master plan facilitates quality development in an integrated manner which provides for a functional and design interrelation of uses and/or structures;
 - g. The master plan meets all submittal requirements of this section, and material submitted provides sufficient detail to enable review for compliance;
 - h. All areas of the master plan site to be developed with commercial uses shall be so delineated on the master plan. Commercially delineated areas proposed within industrially zoned areas of the master plan site shall account for no more than ten percent (10%) of the total area of those industrially zoned lands. Commercial development proposed within areas zoned office campus shall be allowed as an accessory to office or manufacturing building uses, comprising no more than fifteen percent (15%) of total floor area of the development or building. NOT APPLICABLE TO MX - TO ADD PROVISIONS INVOLVING MX DEVELOPMENT.
3. The review authority may impose conditions as necessary to satisfy the requirements of this section.
 4. The applicant may choose one (1) of two (2) options for environmental review:
 - a. Environmental review for buildout of the master plan. Projects included in the environmental review of the master plan shall not require additional environmental review; or
 - b. Environmental review of the conceptual master plan followed by project-specific environmental review to be completed at the time of individual project development. This option includes situations where the conceptual SEPA review for the master plan is completed concurrently with project-specific SEPA review on a first phase. The scope of a narrower review of project proposals may be based on relevant similarities, such as common timing, impacts, implementation or subject matter (per WAC 197-11-060(3)).

- F. Site Plan Review Process Under an Approved Master Plan.
1. Site plan review conferences are required for each phase of development, based on specific development/building plans.
 2. Any approved master plan shall be given priority, based upon an established first-come, first-served list of other master planned projects, for expedited site plan review. The standards for such expedited site plan review shall be based on submittal, with the master plan application, of all required materials for site plan review and SEPA compliance.
 3. Development proposals submitted pursuant to an approved master plan shall be reviewed under Section [40.520.040](#), subject to a demonstration of consistency with the approved master plan and applicable conditions of master plan approval. Such development proposals do not require a public hearing on a project-specific basis so long as the original master plan is followed. The review authority may impose conditions of approval for such site plan proposal as necessary to ensure compliance with master plan approval criteria or conditions.
- G. Effective Period.
1. The development shall be constructed in a timely manner, following the phasing approved in the master plan. Substantial progress toward development of the first phase or entire project, whichever is applicable, shall occur within twenty percent (20%) of the project's timeline as adopted in the approved master plan. If substantial progress is not made, extensions for successive periods of two (2) years may be granted by the responsible official on a showing of good cause. Existing development on the master plan site may constitute substantial progress towards fulfilling these timelines. DISCUSSIONS WITH STAFF NEEDED TO ADDRESS PHASING ISSUES IN MX ZONE.
 2. Failure to develop within the time limit shall cause a forfeiture of the right to proceed under the master plan and require resubmission of all materials and re-approval of the same. In the event the review authority determines that substantial progress is not being made, a certified letter indicating such determination shall be sent to the property owner(s), as listed in the records of the County Assessor and a copy forwarded to last known applicant(s) for master plan review. The applicant and/or owner have the right to appeal such determination under a Type II procedure pursuant to Section [40.510.020](#)(H). If, on appeal, the board's determination is that the approved master plan has lapsed, a resolution shall be adopted indicating that any area where the master plan had altered the underlying zoning shall revert to its previous zoning designation. Any implemented phase or area which has developed does not revert to the previous zoning designation.
- H. Elements of the Master Plan Document.
1. Listing of Potential Uses. The master plan shall specify which industrial and/or commercial uses under the existing zoning designations on the site will be permitted under the master plan. Any commercial, office campus or light industrial use permitted under this title is allowable for inclusion in a master plan. All uses subject to conditions or administrative review shall be so stated in the development standards in the master plan. The listing of uses may be compiled

through either of the following means: (CHANGES NEEDED TO INCORPORATE MX DEVELOPMENT)

- a. Incorporate uses into the master plan by reference to sections of this title;
 - b. Specify permitted uses in a use list to be accompanied by development standards; or
 - c. Define the permitted and industrial and commercial uses independent of specific sections of this title and accompanied by performance standard criteria.
2. If the desired uses are inconsistent with the comprehensive plan or zoning designation for the subject site, beyond limited allowances specified in this section for commercial uses in industrially zoned areas, an amendment to the comprehensive plan (a Type IV procedure), and associated zone change shall be required.
3. Master Plan Document. The proposed master plan document shall include the following elements:
- a. A narrative that generally describes the concept for development of the site, the existing characteristics and proposed use(s), as well as plans for expansion or proposed phased development.
 - b. The uses proposed for each area of the site. At a minimum, the master plan shall clearly delineate which areas of the site are to be developed with commercial uses, and which areas are to be developed with industrial uses. The stipulations of Sections [40.520.070\(H\)\(1\)](#) and (H)(2) shall apply. In addition, the plan should address any proposed temporary uses or locations of such uses during construction periods. (CHANGES NEEDED TO INCORPORATE MX DEVELOPMENT)
 - c. Phasing. (CLOSE REVIEW NEEDED HERE)
 - (1) The master plan must describe the phasing and timing for the development of each area, including the probable sequence of future phases and interim uses of the property awaiting development.
 - (2) The greater the level of detail in the plan, the less need for extensive reviews of each development phase. Conversely, the more general the information, the greater the level of review that will be required for each development phase.
 - (3) The master plan shall specify the ratio of development of different uses within each phase to ensure that secondary or supportive uses are not developed significantly in advance of primary uses.
 - (4) If the construction of transportation infrastructure is phased, each development phase shall meet the test of concurrence showing the infrastructure in each phase to be sufficient for the uses proposed for each phase.
 - d. Land Use. The land use section shall include:
 - (1) The existing zoning and comprehensive plan designations for the area;
 - (2) The size of the total area and size of each area of different use;
 - (3) The proposed maximum and minimum floor area ratios for ~~office, commercial and/or industrial~~ permitted uses;
 - (4) Disposition of lands proposed for public facilities;

- (5) A list of existing improvements that will remain after development of the proposed use(s);
 - (6) All improvements planned in conjunction with the proposed use(s);
 - (7) Conceptual plans for potential future uses;
 - (8) Surrounding zoning and comprehensive plan designations; and
 - (9) Number of employees expected to work at the site by phase, if applicable.
- e. Site Plan. The site plan shall show, at the appropriate level of detail:
- (1) Boundaries of the Site. The master plan must show the current and potential future boundaries of the site for the duration of the master plan;
 - (2) Proposed lot configuration, building footprints (if appropriate), and other structures, landscaping, open space (if appropriate), any land proposed to be dedicated for open space areas, and other required items; and
 - (3) The pedestrian, bicycle and automobile circulation system, parking and loading areas, pedestrian and transit connections between the site and public or private streets serving the development and connecting to off-site open space, internal circulation (both auto and pedestrian), and location of proposed gates and fencing.
- f. Transportation. The transportation and circulation element shall be composed of the following:
- (1) Existing and proposed rights-of-way surrounding and internal to the site, provisions for alternative transportation modes such as bicycle, pedestrian, and public transit service, and parking;
 - (2) Analysis and discussion of transportation impacts. The discussion shall include the expected number of trips (peak and daily), an analysis of the impact of those trips on the adjacent street system and the proposed mitigation measures to limit any projected adverse impacts. Mitigation measures may include improvements to the street system or specific programs to reduce traffic impacts, such as encouraging the use of public transit, carpool, vanpools and other alternatives to single occupancy vehicles. Transportation analyses shall address projected impacts at the time of completion. Where phasing or site build-out exceeds six (6) years from the original master plan approval, additional traffic analyses may be required at the time of site plan review; provided, this has not been specified through prior agreements or approvals between the county and the applicant. A transportation impact study may be substituted for these requirements or required by the responsible official if deemed necessary; and
 - (3) A general discussion of parking impacts, with specifics to be addressed through development standards.
- g. Utilities. Evidence that the utility providers will provide sewer, water and electrical services to the site, concurrent with the proposed phasing, shall be included. A map of the site shall show utility easements.
- h. Public Services. Evidence that the proposed development will not adversely affect the provision of water, sewer, stormwater, education, recreation,

- police, fire and health services beyond levels anticipated in the comprehensive plan shall be provided.
- i. Open Space. The total amount and location of open space to be provided shall be identified in the master plan. The following conditions shall apply:
 - (1) Open space in the master plan shall not be used for construction of any structures not shown in the approved plan;
 - (2) If phased, the master plan must have provisions for developing the open space in each phase concurrently with other development in the phase;
 - (3) Open space restrictions must be established through conservation covenants or other permanent means; and
 - (4) The master plan shall indicate the intended ownership of the open space and provisions for its maintenance. An association of property owners may be formed for this purpose, as described under Section [40.520.070\(1\)\(3\)](#).
4. Maps. In addition to the elements described above, the application for master plan approval shall contain maps of the following:
- a. Existing conditions of the site and in the vicinity: topography, boundaries, lot configuration, rights-of-way and uses;
 - b. Conceptual drainage, utility, erosion control, stormwater and grading plans to be implemented in developing the site; and
 - c. Proposed development (by phase, if applicable): boundaries, land uses, lot configuration, location of proposed public or private streets, and location of public uses, if any.

I. Development Standards, Covenants and Guidelines.

1. The applicant has two (2) options in establishing development standards to control development in the master plan area:
 - a. Incorporate the development standards as adopted by the ordinance codified in this section; or
 - b. Propose new development standards (which may incorporate some of the standards in this section). Development standards that differ from the existing land use code requirements will be reviewed as part of master plan review. **(THIS SHOULD NOT BE AN OPTION IN THE MX ZONE – AS THERE IS REASONABLE FLEXIBILITY PROVIDED BY THE DESIGN STANDARDS)**
2. Development standards shall address:
 - a. Permitted, accessory and conditional uses and uses permitted with administrative review;
 - b. Floor area ratios for office, commercial and industrial development;
 - c. Maximum building heights;
 - d. Maximum lot coverage (building and impermeable surface);
 - e. Setbacks;
 - f. Minimum spacing between buildings;
 - g. Circulation/access to and within each lot and/or area;
 - h. Landscaping requirements (minimum landscaped area);
 - i. Open space;
 - j. Parking requirements (location, design, amount);

- k. Street standards;
 - l. Signage; and
 - m. Handicapped accessibility.
3. Covenants, Conditions and Restrictions. Notwithstanding any other provision in this section, the review authority may enter into developer agreements pursuant to Section 501-505, Chapter 347, laws of 1995. The board may also declare the master plan a planned action pursuant to RCW 43.21C.031.
 - a. Other site development restrictions, such as easements and covenants, not covered by the development standards or applicable ordinances may be incorporated into the master plan, in a section stipulating covenants, conditions and restrictions that run with the land;
 - b. Where separate ownership of lots within the master plan area may occur, to ensure consistency in development and protect the character of the development, the owners may be required, or may desire, to confer responsibility for maintaining common open space, communal recreational areas and facilities, private roads and landscaping to one (1) of the following:
 - (1) An association of owners that shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the common open space that is acceptable to the Prosecuting Attorney. Automatic membership in the association upon purchase of property and association fees shall be contained in covenants that run with the land. The association must have the power to levy assessments. Nonpayment of association fees can become a lien on the property; or
 - (2) A public agency that agrees to maintain the common open space and any buildings, structures or other improvements which have been placed on it.
 4. Other conditions which may be addressed in this section of the master plan document are agreements and assurances on the part of the applicant and on the part of the county with respect to future development. Other general provisions may be included in the final master plan: effective date, duration, cooperation and implementation, intent and remedies, periodic review, dispute resolution, assignment, relationship of parties, hold harmless, notices, severability and termination, time of essence, waiver, successors and assigns, governing state law, constructive notice and acceptance, processing fees.
 5. The owner may choose to establish architectural design guidelines to promote consistency throughout the development. Administering the guidelines shall be the responsibility of the owner of the site or the association of owners. The guidelines may consist of, for example; roof pitches, building materials, window treatments, paving materials, and building articulation, etc.
 6. The comprehensive plan map shall be amended to add the suffix “-mp” to the site at the time of annual review for all approved master plans approved in the previous calendar year.

J. Procedure for Amendments, Appeals.

1. Any modifications, additions or changes to an approved master plan are subject to the following:

- a. Minor changes that do not affect the general concept for development of the site as set out in the master plan shall be reviewed as a Type I process as described in Section [40.510.010](#). To be considered minor, the amendment must meet the following criteria:
 - (1) Substantial compliance with the approved site plan and conditions imposed in the existing master plan with no changes in use and no departure from the bulk and scale of structures originally proposed; and
 - (2) No greater impact would occur.
 - b. Changes that do not affect the general concept for development of the site as set out in the master plan shall be reviewed as a Type II process as described in Section [40.510.020](#). To be considered moderate, the amendment must meet the following criteria:
 - (1) Substantial compliance with the approved site plan and conditions imposed in the existing master plan but having a change in use and/or less than fifty percent (50%) change in the bulk and scale of structures originally proposed; and
 - (2) Some increase in anticipated impacts would occur.
 - c. Changes that do not meet the above criteria will be considered major amendments affecting the general master plan development concept and shall be subject to a Type III process as described in Section [40.510.030](#). Fees in effect at the time of the change request application will be applicable.
2. Proposed master plan amendments shall be subject to review criteria of Section [40.520.070](#)(E) consistent with Section [40.520.060](#).
 3. Appeal provisions for master plan approval or amendments, and development approvals pursuant to an approved master plan shall be as specified in Chapter [40.510](#).
 4. Site plan review conferences are required for each phase of development, based on specific development/building plans.
 5. Any approved master plan shall be given priority, based upon an established first-come, first-served list of other master planned projects, for expedited site plan review. The standards for such expedited site plan review shall be based on submittal, with the master plan application, of all required materials for site plan review and SEPA compliance.
 6. Development proposals submitted pursuant to an approved master plan shall be reviewed under Section [40.520.040](#), subject to a demonstration of consistency with the approved master plan and applicable conditions of master plan approval. Such development proposals do not require a public hearing on a project-specific basis so long as the original master plan is followed. The review authority may impose conditions of approval for such site plan proposal as necessary to ensure compliance with master plan approval criteria or conditions.